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EXAMINER
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WANG, JIN CHENG

ART UNIT	PAPER NUMBER
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2628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/680,107	<b>Applicant(s)</b> REID, GLENN	
	<b>Examiner</b> Jin-Cheng Wang	<b>Art Unit</b> 2628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's submission filed on 10/8/2006 has been entered. Claims 1, 8, 15, and 21 have been amended. Claims 1-26 are pending in the present application.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1 and similar claims have been considered but are moot in view of the new ground of rejection based on Cajolet U.S. Patent No. 6,686,918 (hereinafter Cajolet) in view of Rayner U.S. Patent No. 5,519,828 (hereinafter Rayner).

As addressed in the present Office Action, the claim 1 is fulfilled by Cajolet and Rayner.

Cajolet teaches a method of manipulating a presentation of a time based stream of information in a processing system, the method comprising:

A) Adding an edit feature to the presentation that has one or more references (see column 6 wherein Cajolet discloses dragging operations to drag the edge to the desired new position wherein the new position as a reference to the presentation; the presentation has one or more references including a data structure, a pointer to a set of project properties, and a pointer to a plurality of elements and an offset which indicates the start of the element relative to the start of the project; see column 11, lines 26-60; the editing includes adding various effect functions to modify the result of animation, modifying the animation parameters such that the duration of a clip be increased or decreased; see column 8, lines 30-52; the editing includes changing the speed of the clip and modifying the start or end position; see column 8, lines 20-30; see also column 7, lines 23-43 for the teaching of an edit feature), to create a revised

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presentation in response to a user edit command (the revised presentation includes the changing icons representing the state of the information in element 28b, the thumbnails 84a, 84b, 84c can indicate the change or evolution in the underlying information over time; see column 6, lines 4-28; the edit command includes the dragging operations wherein a user clicks on either the start or ending edge of clip with input device to drag the edge to the desired new position; see column 6, lines 29-52), wherein the one or more references have instructions to manipulate the time based stream of information (in column 8, lines 35-40, animations in response to modifications can be performed in real time and the animator modifies a set of parameters; see column 7, such as the animation parameters which provide references to the clips and the modeling tool has a plurality of functions that have instructions to modify the clip; see column 7, lines 10-60); and

B) Creating a proxy of the revised presentation that includes a simulation of the modifications, wherein the creating includes simulating the edit feature on the presentation without writing changes to a storage (A specific storage is not recited in the claim plus applicant failed to specifically point out the term "storage" while contradicting with the specification that discloses writing the modifications to the display storage device in order to be displayed. Due to the 112 rejection, the claim limitation "without writing changes to a storage" is given the broadest reasonable interpretation. "A storage" as claimed is a broad term that encompasses any of the buffers, registers or memory spaces. Moreover, creating a 2D information proxy such as thumbnails or icons that dynamically simulate the 3D animation of the character "John" wherein the thumbnails or icons are a proxy of the revised presentation of the 3D information and displaying the thumbnails or icons during the adding because the icons representing the content of the clip to indicate the change or evolution in the underlying information over time

with the add features being added; see column 6, lines 1-52; in column 8, lines 35-40, animations in response to modifications can be performed in real time).

Although Cajolet does not expressly disclose “a proxy”, Cajolet discloses a simulation of the revised presentation (See column 6, lines 1-52 and column 8, lines 35-40). Cajolet discloses displaying low-quality clips in lieu of the high-quality clips as the 2D display of information, thus requiring less process time wherein the low-quality clips are low-resolution versions of the original high-quality 3D clips. Therefore, Cajolet at least suggests the claim limitation of a proxy.

Rayner teaches a method of manipulating a presentation of a time based stream of information in a processing system, the method comprising:

A) Adding an edit feature (column 4, lines 25-35 discloses edit list) to the presentation that has one or more references (Rayner discloses an edit feature including one of the mark command of column 10, lines 20-30, reverse rate command of column 10, lines 45-50 and references include the vertical reference of column 12, lines 40-45, the time marks of column 12, lines 55-62 wherein the one or more references include the positions on the timeline), to create a revised presentation (e.g., an active video sequence of column 6, lines 20-25 which have been virtually edited into a single sequence in one of the work areas; in column 8, lines 10-20, Rayner discloses that the active video sequence includes the video frame samples 17 which are stored with pointers or references to the locations of the corresponding video frames 19) in response to a user edit command, wherein the one or more references have instructions to manipulate the time based stream of information (the desired combined video sequence of column 14, lines 30-40 meets the claim limitation of “a revised presentation” or the composite

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video segments of column 5, lines 53-65 meets the claim limitation of “a revised presentation”);  
and

B) Creating a proxy of the revised presentation that includes a simulation of the modifications, wherein the creating includes simulating the edit feature on the presentation without writing changes to a storage (The frame samples of typically only eight pixels of information are used as a surrogate for the real video images during some parts of the editing process in Rayner meet the claim limitation of “a proxy” because the video samples; see column 5, lines 20-30. In column 6, lines 1-12, Rayner teaches previewing the virtual edit of the active layers as a composite sequence, but not recorded, and the virtual edit of the active layers meets the claim limitation of “a proxy” because it is a simulation of the revised presentation of the video sequence, the virtual edit includes changes the rate of the frames being presented such as 60 fps or 30 fps; see column 6, lines 1-12).

Therefore, Rayner discloses a simulation of the revised presentation in which Rayner discloses the simulation of the video sequence when he presented the virtual edits of the video sequences.

It would have been obvious to one of the ordinary skill in the art to have combined the Rayner and Cajolet's teaching of editing the video sequence and presenting a simulation of the video sequence because Rayner suggests the claim limitation of “a proxy” by allowing for the much less total information than the underlying video frame be presented as surrogates for the real video images during some parts of the editing process (See Rayner column 1, lines 30-35 and column 8, lines 53-65) and Cajolet suggests the claim limitation of “a proxy” by teaching icons or thumbnails allowing for the much less total information than the underlying video frame

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be presented as surrogates for the real video images during editing and thus allows for faster editing of the video sequence.

One of the ordinary skill in the art would have been motivated to do so to allow for the previewing without recording the editing of the composite video sequences active in the Workspace and thus creating the desired combined video sequence (See Rayner column 14, lines 30-45).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

For example, the base claim 1 recites the “wherein the creating includes simulating the edit feature on the presentation without writing changes to a storage.” A storage as claimed may not necessarily be the storage 204 on Page 15 of applicant’s specification. Since a storage is broadly construed, the storage as claimed includes a display buffer because the modification has to be sent to the display buffer in order to be displayed. The specification describes modified versions of the units are at least stored, e.g., on the display storage in order to be displayed.

The based claim 1 also recites “displaying the proxy during the adding.” However, a proxy is described in Page 8 as a simulated version of the modifications. However, in Pages 16-17, it is stated, “the proxy editor 88 draws letters to the unit(s) to fake the text rendering conducted by the program manager...to add transitions and other edit features to a unit, the proxy editor may charge the processor to make the changes to the unit in the same manner as the actual rendering...However, if the unit represented by the proxy has already been shown, the display skips the showing of that proxy unit and only shows the proxy units that arrive at the display control prior to the showing of the corresponding unit”. Thus, applicant at best describes displaying the proxy unit during the adding of another edit feature which is drastically different from the adding of an edit feature recited in Step (A) of the Claim 1. Applicant also speculated that the proxy corresponds to any of the proxy units in the specification. However, the proxy unit is rendered after the adding of an edit feature, as opposed to be rendered during the adding of an edit feature. It may be true that the proxy unit is rendered during the adding of another edit feature to another proxy unit, as opposed to be rendered during the adding of the edit feature to the same proxy unit. It is not necessary to add the edit feature to the proxy unit after the edit feature has been rendered. The claim limitation is self-contradictory. It is not necessary to add the same edit feature to the proxy unit after the edit feature has been rendered to the proxy unit. It may be true to add the next edit feature to the next proxy unit during the display of the previous proxy unit.

Although multiple processors are present to execute the simultaneous rendering and proxy generation, the proxy is still rendered by a separate entity after an edit feature being

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added to the presentation by the process manager. Therefore, the specification does not describe “displaying the proxy during the adding”.

Therefore, the metes and bounds of the coverage of at least base claim 1 cannot be ascertained.

To comply with the “written description” requirement of 35 U.S.C. 112, first paragraph, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention. The invention is, for purposes of the “written description” inquiry, whatever is now claimed. *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991). For purposes of written description, one shows “possession” by descriptive means such as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997). Such descriptive means cannot be found in the disclosure for the inventions of the base claim 1.

Claims 2-7 depend upon the claim 1 and are rejected due to their dependency on the claim 1.

The claim 8 is subject to the same rationale of rejection set forth in the claim 1.

The claims 9-14 depend upon the base claim 8 and are rejected due to their dependency on the claim 8.

The claim 15 is subject to the same rationale of rejection set forth in the claim 1.

The claims 16-20 depend upon the base claim 15 and are rejected due to their dependency on the claim 15.

The claim 21 is subject to the same rationale of rejection set forth in the claim 1.

The claims 22-26 depend upon the base claim 21 and are rejected due to their dependency on the claim 21.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For example, the base claim 1 recites the “without writing changes to a storage.” However, applicant failed to particularly point out “without writing changes to a storage.” A storage as claimed may not necessarily be the storage 204 on Page 15 of applicant’s specification. Since the storage as claimed is broadly construed, the storage includes a display buffer because the modification has to be sent to the display buffer in order to be displayed. The specification describes modified versions of the units are at least stored, e.g., on the display storage in order to be displayed. Therefore, the claim limitation “without writing changes to a storage” renders the claim 1 indefinite.

Claims 2-7 depend upon the claim 1 and are rejected due to their dependency on the claim 1.

The claim 8 is subject to the same rationale of rejection set forth in the claim 1.

The claims 9-14 depend upon the base claim 8 and are rejected due to their dependency on the claim 8.

The claim 15 is subject to the same rationale of rejection set forth in the claim 1.

The claims 16-20 depend upon the base claim 15 and are rejected due to their dependency on the claim 15.

The claim 21 is subject to the same rationale of rejection set forth in the claim 1.

The claims 22-26 depend upon the base claim 21 and are rejected due to their dependency on the claim 21.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-12, 15-18, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cajolet U.S. Patent No. 6,686,918 (hereinafter Cajolet) in view of Rayner U.S. Patent No. 5,519,828 (hereinafter Rayner).

1. Re Claims 1, 8, 15, 21:

Cajolet teaches a method of manipulating a presentation of a time based stream of information in a processing system, the method comprising:

A) Adding an edit feature to the presentation that has one or more references (*see column 6 wherein Cajolet discloses dragging operations to drag the edge to the desired new*

*position wherein the new position as a reference to the presentation; the presentation has one or more references including a data structure, a pointer to a set of project properties, and a pointer to a plurality of elements and an offset which indicates the start of the element relative to the start of the project; see column 11, lines 26-60; the editing includes adding various effect functions to modify the result of animation, modifying the animation parameters such that the duration of a clip be increased or decreased; see column 8, lines 30-52; the editing includes changing the speed of the clip and modifying the start or end position; see column 8, lines 20-30; see also column 7, lines 23-43 for the teaching of an edit feature), to create a revised presentation in response to a user edit command (the revised presentation includes the changing icons representing the state of the information in element 28b, the thumbnails 84a, 84b, 84c can indicate the change or evolution in the underlying information over time; see column 6, lines 4-28; the edit command includes the dragging operations wherein a user clicks on either the start or ending edge of clip with input device to drag the edge to the desired new position; see column 6, lines 29-52), wherein the one or more references have instructions to manipulate the time based stream of information (in column 8, lines 35-40, animations in response to modifications can be performed in real time and the animator modifies a set of parameters; see column 7, such as the animation parameters which provide references to the clips and the modeling tool has a plurality of functions that have instructions to modify the clip; see column 7, lines 10-60); and*

B) Creating a proxy of the revised presentation that includes a simulation of the modifications, wherein the creating includes simulating the edit feature on the presentation without writing changes to a storage (*A specific storage is not recited in the claim plus applicant failed to specifically point out the term “storage” while contradicting with the specification that*

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*discloses writing the modifications to the display storage device in order to be displayed. Due to the 112 rejection, the claim limitation “without writing changes to a storage” is given the broadest reasonable interpretation. “A storage” as claimed is a broad term that encompasses any of the buffers, registers or memory spaces. Moreover, creating a 2D information proxy such as thumbnails or icons that dynamically simulate the 3D animation of the character “John” wherein the thumbnails or icons are a proxy of the revised presentation of the 3D information and displaying the thumbnails or icons during the adding because the icons representing the content of the clip to indicate the change or evolution in the underlying information over time with the add features being added; see column 6, lines 1-52; in column 8, lines 35-40, animations in response to modifications can be performed in real time).*

Although Cajolet does not expressly disclose “a proxy”, Cajolet discloses a simulation of the revised presentation (See column 6, lines 1-52 and column 8, lines 35-40).

Rayner teaches a method of manipulating a presentation of a time based stream of information in a processing system, the method comprising:

A) Adding an edit feature (column 4, lines 25-35 discloses edit list) to the presentation that has one or more references (Rayner discloses an edit feature including one of the mark command of column 10, lines 20-30, reverse rate command of column 10, lines 45-50 and references include the vertical reference of column 12, lines 40-45, the time marks of column 12, lines 55-62 wherein the one or more references include the positions on the timeline), to create a revised presentation (e.g., an active video sequence of column 6, lines 20-25 which have been virtually edited into a single sequence in one of the work areas; in column 8, lines 10-20, Rayner discloses that the active video sequence includes the video frame samples 17 which are

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stored with pointers or references to the locations of the corresponding video frames 19) in response to a user edit command, wherein the one or more references have instructions to manipulate the time based stream of information (the desired combined video sequence of column 14, lines 30-40 meets the claim limitation of “a revised presentation” or the composite video segments of column 5, lines 53-65 meets the claim limitation of “a revised presentation”); and

B) Creating a proxy of the revised presentation that includes a simulation of the modifications, wherein the creating includes simulating the edit feature on the presentation without writing changes to a storage (The frame samples of typically only eight pixels of information are used as a surrogate for the real video images during some parts of the editing process in Rayner meet the claim limitation of “a proxy” because the video samples; see column 5, lines 20-30. In column 6, lines 1-12, Rayner teaches previewing the virtual edit of the active layers as a composite sequence, but not recorded, and the virtual edit of the active layers meets the claim limitation of “a proxy” because it is a simulation of the revised presentation of the video sequence, the virtual edit includes changes the rate of the frames being presented such as 60 fps or 30 fps; see column 6, lines 1-12).

Therefore, Rayner discloses a simulation of the revised presentation in which Rayner discloses the simulation of the video sequence when he presented the virtual edits of the video sequences.

It would have been obvious to one of the ordinary skill in the art to have combined the Rayner and Cajolet's teaching of editing the video sequence and presenting a simulation of the video sequence because Rayner suggests the claim limitation of “a proxy” by allowing for the

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much less total information than the underlying video frame be presented as surrogates for the real video images during some parts of the editing process (See Rayner column 1, lines 30-35 and column 8, lines 53-65) and Cajolet suggests the claim limitation of “a proxy” by teaching icons or thumbnails allowing for the much less total information than the underlying video frame be presented as surrogates for the real video images during editing and thus allows for faster editing of the video sequence.

One of the ordinary skill in the art would have been motivated to do so to allow for the previewing without recording the editing of the composite video sequences active in the Workspace and thus creating the desired combined video sequence (See Rayner column 14, lines 30-45).

Re Claims 2, 9, 16, 22:

The claims recite additional claimed limitation of displaying units of the presentation in response to the user edit command and sending instructions for creating the proxy when a unit requiring modification is reached. However, Cajolet and Rayner further disclose the claim limitation of displaying units of the presentation in response to the user edit command and sending instructions for creating the proxy when a unit requiring modification is reached (column 8, lines 30—45 wherein Cajolet discloses that rendering of animations in response to modifications can be performed in real time). Cajolet discloses in column 8-9 that in addition to modifying the parameters of any given element in a project, a user may also modify the relationship between elements in a project, and add, subtract or substitute elements within a project. In particular, an edit can be performed with low quality elements, for speed and

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performance considerations, or elements which are merely placeholders for information which is not yet available. Once the information becomes available or a final edit is required at a different quality level, the various elements in the project can be replaced by the desired elements without requiring any other effort on the part of the animator. The user can select one or more desired elements from a list of available elements presented in the browser in Function area 48 and drag and drop the desired element on top of the clip representing the placeholder or different quality element in a track 72 in NLE time line area 52. When a desired clip is dropped onto a clip already in the track, the desired clip replaces the clip already in the track and the start time, end time and duration of the desired clip are set to those of the clip previously in place.

Re Claims 3, 10, 17, 23:

The claims recite additional limitation of creating proxy by drawing an imitation of the edit feature. However, Cajolet and Rayner further disclose the claim limitation of creating proxy by drawing an imitation of the edit feature. In column 8, lines 35-40 of Cajolet, animations in response to modifications can be performed in real time and the animator modifies a set of parameters; see column 7, such as the animation parameters which provide references to the clips and the modeling tool has a plurality of functions that have instructions to modify the clip; see column 7, lines 10-60.

Re Claims 4, 11, 18, 24:

The claims recite additional claimed limitation of the edit feature being text and the imitation including simulated character, size and font. However, Cajolet and Rayner further

disclose the claimed limitation of the edit feature being text and the imitation including simulated character, size and font. Cajolet describes textual description of the thumbnails and icons, which are the simulated textual descriptions of characters, size and font.

Re Claims 5, 12 and 25:

The claim 5 encompasses the same scope of invention as that of claim 1 except additional claimed limitation of a first software component having instructions for adding the edit feature and the first software component being separate from a second software component that has instructions for creating the proxy. However, Cajolet further discloses the claimed limitation of a first software component having instructions for adding the edit feature and the first software component being separate from a second software component that has instructions for creating the proxy. Cajolet discloses using the animation tool to perform the change/edit commands (Cajolet column 11, lines 10-20) and separately re-rendering can be performed to produce the updated thumbnails on the clips in the NLE system by the render engine (Cajolet column 11, lines 1-3 and column 4, lines 45-50). Therefore, separate software components are involved to perform the editing by the animation tool and to perform rendering of the updated thumbnails on the clips.

Claims 6-7, 13-14, 19-20 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cajolet U.S. Patent No. 6,686,918 (hereinafter Cajolet) in view of Rayner U.S. Patent No. 5,519,828 (hereinafter Rayner) and Scott U.S. Patent No. 5,638,504 (hereinafter Scott).

Re Claims 6, 13, 19 and 25:

The claim 6 encompasses the same scope of invention as that of claim 5 except additional claimed limitation of the second software unit being a plug-in or ActiveX control.

Cajolet and Rayner are silent to the claimed limitation of the second software unit being a plug-in or ActiveX control.

However, Scott discloses a plug-in function block 440 for creating a proxy (Fig. 8) in addition to the other function blocks.

It would have been obvious to have incorporated Scott's plug-in into Cajole and Rayner at the time of the invention was made because such software for creating proxy is old and well-known in the document processing art. Cajole discloses a rendering engine as a plug-in for rendering the updated thumbnail in the NLE system (See column 4, lines 45-50; column 11, lines 1-3) and therefore suggesting the claim limitation. One of the ordinary skill in the art would have been motivated to include plug-in so that individual editing operations can be specified to which an intelligent proxy object can respond (Scott column 5, lines 40-45).

Re Claims 7, 14, 20 and 26:

The claims set forth additional claim limitation of displaying of the proxy at a rate that is substantially less than the play rate of the time-based stream of information.

Cajolet and Rayner are silent to the claim limitation of displaying of the proxy at a rate that is substantially less than the play rate of the time-based stream of information. However, Rayner discloses time marking the video sequence and presenting the virtual edits of the video

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sequence at a rate of 30 fps or 60 fps and therefore suggests the claim limitation of displaying the proxy at a rate that is substantially less than the play rate of the time-based stream of information (See Rayner column 5, lines 1-15 and column 6, lines 1-12).

However, Scott also discloses displaying the proxy as a graphical icon which is displayed at a rate that is substantially less than the play rate of the window for presenting the document information (Scott column 15-16).

It would have been obvious to have incorporated Scott's invention into Cajolet and Rayner's invention because displaying the proxy at a rate substantially less than the play rate of the time-based stream of information is old and well-known in the document processing art at the time of the claimed invention was made as Scott discloses displaying the proxy basically as a static icon which is displayed substantially less than the play rate of the window for presenting the document information. Moreover, Cajolet discloses in column 6, lines 20-25 that thumbnail 84c occurs twice along time line 66 so that the thumbnail 84c is presented at a rate less than the clip rate and in column 7, lines 20-45 changing the animation speed and thus changing the rate for displaying the proxy. In column 8, lines 30-45, Cajolet discloses that the content of the frames in the modified element will change and must be rendered unless the modification was limited to the discarding of a portion of the animation or the employing of additional frames, previously rendered or stored and the re-rendering of animations in response to modifications can be performed in real time and therefore suggesting the claim limitation of displaying of the proxy at a rate that is substantially less than the play rate of the time-based stream of information. One of the ordinary skill in the art would have been motivated to have modified Cajolet and Rayner's invention so that the proxy object is updated less than the time-based

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stream of information in which the editing operations are performed (Cajolet column 6, lines 20-25).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,8, 15 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Phillips U.S. Patent No. 6,504,552 (hereinafter Phillips).

2. Re Claims 1, 8, 15, 21:

Phillips teaches a method of manipulating a presentation of a time based stream of information in a processing system, the method comprising:

A) Adding an edit feature to the presentation that has one or more references (*e.g., Fig. 6 and column 14, lines 53-67 and column 15, lines 1-50 wherein a plurality of references are disclosed including the locations of markers*) to create a revised presentation in response to a user edit command, wherein the one or more references have instructions to manipulate the time based stream of information (*e.g., Phillips discloses adding the special effects to a low resolution video 335 in response to a user edit command; column 9, lines 5-20 and 14, lines 10-20*), and

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B) Creating a proxy of the revised presentation that includes a simulation of the modifications, wherein the creating includes simulating the edit feature on the presentation without writing changes to a storage (Phillips discloses rendering special effects on a low resolution video frame and the modified low resolution video frame is a proxy of the revised presentation because it has the new special effects being added into it. Phillips discloses editing special effects on a frame of video image 335 generated/created by the compositor 330 or rendering the special effects on a frame of low resolution video images 424 generated by DNLE 420 so that artist 120 can view the special effects displayed in images 424 to determine if the rendering is satisfactory and such editing of the special effects are viewed and displayed on a low resolution image frame which is a proxy of high resolution image frame. Phillips discloses that the artist 120 recreates the special effects by viewing low-resolution video proxy images 335 and translation of the renderings of artist 120 with reference to video proxy images 335 and the compositor 330 uses data to generate high-resolution images with special effects; the rendering of the low resolution image frame or proxy of the revised presentation with the special effects being added is performed during the editing of the special effects and the displaying of the low resolution image frame or proxy of the revised presentation with the special effects being added is performed during the editing of the special effects; see column 11, lines 60-67, column 12, lines 1-26 and column 14, lines 10-20).

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jin-Cheng Wang whose telephone number is (571) 272-7665. The examiner can normally be reached on 8:00 - 6:30 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jcw



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